

STAFF REPORT

Town of Lovettsville

TOWN COUNCIL PUBLIC HEARING

AUGUST 27, 2009

LVZA 2009-0005 Wireless Communications Equipment
(Zoning Ordinance Amendment)

Applicant: Town of Lovettsville

Location of Hearing: Town Office at 6 E. Pennsylvania Avenue

Time of Hearing: 8:00PM

Call for Information: Steve McGregor (540)-822-5788

smcgregor@lovettsvilleva.gov

Town Office Hours: 9AM-4:30PM (except holidays)

PURPOSE: To provide background and issue analysis for a potential amendment to the Zoning Ordinance to allow wireless communications equipment use in all zoning districts as a conditionally permitted use.

BACKGROUND: On April 23, 2009 the Town Council authorized a zoning ordinance amendment by the Town to amend the Zoning Ordinance in order to allow wireless communications equipment use on all land throughout the Town with a conditional use permit to assure that there would be no adverse impact by its installation.

A national wireless communications provider approached the Town about the possibility of installing wireless communications antennas and related equipment on the Town's elevated water storage tank. The Town ordinance does not permit such use, although it has in its previous ordinances. The 1987 ordinance permitted antennas in residential and commercial zoning districts. The 1992 ordinance permitted communications uses in the C-1 district with a conditional use permit. A number of antennas have been approved for installation in the past on the Town water tower under conditional use permits.

The Planning Commission discussed the item and brought it to a public hearing July 1. The Commission made a positive recommendation on this item without changes to the amended text as recommended in the staff report.

DISCUSSION: Wireless communications equipment is a necessary public utility (provided by private companies licensed for operating such service) for public use. The Town should help provide such service where there is a need by people in the Town and surrounding area. Various companies provide such service and the public expects they can partake of such services from any company they choose. Therefore, the Town ordinance needs to be amended if the Town wishes to accommodate wireless communications providers. In order to assure that such facilities are designed and maintained in a satisfactory manner, the use would need to be allowed only under a conditional use permit. The Council requested that the use be available on any property under any zoning district in the Town in case it may be appropriate on other sites than the Town water tower. A definition of wireless communications equipment needs to be included in the ordinance if the use is added to the ordinance.

The following should be considered when evaluating the conditions applicable to wireless communications equipment use:

1. Dimensions of antenna.
2. Visual impact of antenna.
3. Specifications for ancillary cabinets or similar equipment, including materials.
4. Height of antenna from the ground.
5. Location of all equipment, including if it is co-located on existing structure.
6. Screening of equipment on the ground.
7. Location of connecting wires/cables (underground or over ground).
8. Material and color of all equipment, including separate tower if applicable
9. Access details.

10. Details of maintenance and repair schedule and responsibility.
11. Lighting and impact on adjacent and nearby property.
12. Backup power and alarm system to determine if sound is an issue.
13. Security (fences or other).
14. Any adverse visual impact or adverse impact on other utilities or equipment.
15. Contract details with property owner.

PLANNING COMMISSION RECOMMENDATION: The Commission discussed the issues related to including wireless communications equipment use in all zoning districts as a conditionally permitted use and recommended the Zoning Ordinance be amended as follows:

ADD: Sec. 3-2 Residential District CR-1 (c) Conditionally Permitted Uses (xxiii) Wireless Communications Equipment.

Sec. 3-3 Residential District R-1 (c) Conditionally Permitted Uses (xi) Wireless Communications Equipment.

Sec. 3-4 Residential District R-2 (c) Conditionally Permitted Uses (ix) Wireless Communications Equipment.

Sec. 3-5 Residential District R-3 (c) Conditionally Permitted Uses (viii) Wireless Communications Equipment.

Sec. 3-6 Retirement Community R-C (r) Wireless communications equipment is permitted under a conditional use permit.

Sec. 3-7 Town Center Planned Development District T-C (j) Conditionally Permitted Uses (iv) Wireless communications equipment.

Sec. 3-8 Planned Infill District (g) Conditionally Permitted Uses (iv) Wireless communications equipment.

Sec. 3-12 Community Commercial District C-1 (c) Conditionally Permitted Uses (ix) Wireless communications equipment.

Sec. 3-13 Mixed Use Business District C-2 (c) Conditionally Permitted Uses (vii) Wireless communications equipment.

Sec. 3-14 Light Industrial District I-1 (g) Conditionally Permitted Uses (viii) Wireless communications equipment.

ADD: Sec. 13-2 Definition of Certain Terms [Insert in alphabetical order]

“WIRELESS COMMUNICATIONS EQUIPMENT:
Sending and receiving antennas attached to a tower
or similar structure, such as a steeple or silo, and a
prefabricated or modular structure of cabinets
containing electronic hardware. For purposes of this
ordinance, amateur radio transmission equipment is
not classified as wireless communications
equipment.”

DRAFT MOTION: A draft motion is provided below so the Town Council may take action after the public hearing:

“I move that the Town Council approve proposed Zoning Ordinance amendment LVZA 2009-0005 Wireless Communications Equipment, as stated in the Planning Commission Recommendation section of this report.”